

REMARKS

The Advisory Action stated that the reply filed 15 January 2008 failed to place the instant application in condition for allowance. According to the Examiner, the proposed amendment was filed after a final rejection and was not entered because it raised new issues that would require further consideration and/or search. Applicants requested rejoinder of the withdrawn process claims in said reply filed 15 January 2008. The Examiner states the following in the Continuation Sheet of said Advisory Action:

Process claims that depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection. In the instant case, applicants did not present allowable product claims until after the final rejection. Amendments submitted after the final rejection are governed by 37 CFR 1.116. The Claims require further consideration and search and do not meet the requirements of 35 USC 112.

The Advisory Action indicated that newly amended claims 1-5 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims. Applicants have canceled claims 6-14 in the instant amendment.

Restriction

Applicants have amended Claims 1-4 to delete the non-elected subject matter per the request of the Examiner.

Claim Rejection under 35 USC § 112

The Examiner has rejected Claims 1-5 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that the plural "s" on "salts" makes claims 1-5 read on mixtures rather than specific compounds. Applicants have amended Claims 1-4 to recite a compound or a singular pharmaceutically acceptable salt thereof.

Conclusion

Applicants assert that the application is in condition for allowance. Applicants expressly reserve the right to file divisional and/or continuation applications directed to the non-elected subject matter.

Respectfully submitted,



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